

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: André JESTIN et al.

Title: CIRCOVIRUS SEQUENCES ASSOCIATED WITH PIGLET WEIGHT LOSS

DISEASE (PWD)

Appl. No.: 09/514,245

Filing Date: 02/28/2000

Examiner: A. Salimi

Art Unit: 1648

# <u>INFORMATION DISCLOSURE STATEMENT</u> <u>UNDER 37 CFR §1.56</u>

Commissioner for Patents PO Box 1450 Alexandria, Virginia 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR §1.56. A copy of each listed document is being submitted to comply with the provisions of 37 CFR §1.97 and §1.98.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

11/04/2003 MBIZUNES 00000074 09514245

01 FC:1806 180.00 OP

#### TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(d), after a Notice of Allowance but before payment of the issue fee.

### RELEVANCE OF EACH DOCUMENT

All of the documents are in English.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

#### **STATEMENT**

Based on reasonable inquiry, no document listed in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and no document listed in this Information Disclosure Statement was known to any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing date of this Information Disclosure Statement.

A fee in connection with submission of an information disclosure statement under 37 CFR §1.97(d) in the amount of \$180.00 in accordance with 37 CFR §1.17(p) is attached.

This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute "prior art." If the Examiner applies any document as prior art against any claims in the application and Applicants determine that the cited document does not constitute "prior art" under U.S. law, Applicants reserve the right to present to the Office the relevant facts and law regarding the appropriate status of that document.

Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be applied against the claims of the present application.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Stephen B. Maebius

Attorney for Applicant

Registration No. 35,264

 $D_{\text{ate}} = 10|31|3$ 

FOLEY & LARDNER Washington Harbour 3000 K Street, N.W., Suite 500 Washington, D.C. 20007-5143

Telephone:

(202) 672-5569

Facsimile:

(202) 672-5399

MODIFIED PTO/SB/08 (08-00) Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control

Substitute for form 1449B/PTO Complete if Known 09/514,245 Application Numb r INFORMATION DISCLOSURE 02/28/2000 STATEMENT BY APPLICANT Filing Dat André JESTIN First Named Inventor OCT 3 1 2003 Date Submitted: October 31, 2003 Group Art Unit 1648 Examiner Name A. Salimi (use as many sheets as necessary) Attorney Docket Number 065691-0176 of Sheet 1 1

U.S. PATENT DOCUMENTS										
Examiner Initials*	Cite No.1	U.S. Patent Document  Kind Code <sup>2</sup> (if known)		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear				
	B1	60/069,233		WANG et al.	12-11-1997					
	B2	60/069,750		WANG et al.	12-16-1997					
·										

Examiner		Date	
Signature		Considered	

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, PO Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450.

<sup>\*</sup>EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>&</sup>lt;sup>1</sup> Unique citation designation number. <sup>2</sup>See attached Kinds of U.S. Patent Documents. <sup>3</sup>Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup>For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup>Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup>Applicant is to place a check mark here if English language Translation is attached.